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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/671,312

09/24/2003

Kenneth Rambo

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TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

EXAMINER

LUONG, ALAN H

ART UNIT

PAPER NUMBER

4126

MAIL DATE

DELIVERY MODE

11/01/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/671,312	RAMBO, KENNETH	
	<b>Examiner</b>	<b>Art Unit</b>	
	ALAN LUONG	4126.	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/12/2004</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7 and 13-16 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 7,143,428 (US'428) to Bruck.

**Regarding to claim 1:** Bruck discloses a display system for use in a communications network, comprising:

a display device (14 of Fig.1 and 84 of Fig.3, col.3 lines 40-42); and  
plural display windows (as "chat region" 108 and TV region 118 of Fig.6) col. 7 lines 26-58) at the display device (84 of Fig.3, col.6 lines 4-16), the plural windows for

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simultaneously displaying multiple content, wherein a first display window 118 displays video programming content and wherein a second display window 108 displays content from an instant messaging (IM) application ( Fig. 6 to Fig.8, col. 7 lines 26-58).

**Regarding to claim 2, 3:** Bruck also discloses the video programming content (link 20 of Fig. 1) is a broadcast television program (Abstract lines 1-2) and the broadcast television program is provided over one of a plurality of selectable television channels, and wherein the display device is a television screen. (col. 3 lines 46-49)).

**Regarding to claim 4** Bruck further discloses the display system of claim 1, wherein the instant messaging content comprises:

a personal ID associated with a user of the IM application (col.10 lines 19-26).

**Regarding to claim 5:** Bruck discloses the display system of claim 4, wherein the user is remote from the display system (remote control 16 of Fig.1, col.4 lines 1-12).

**Regarding to claim 6:** Bruck discloses the display system of claim 5 above, wherein the instant messaging content further comprises a program ID (col.7 line 51, 126 of Fig. 6, col.7 lines 59-65) for identifying broadcast television program being viewed by the remote user (col.9 lines 45-57).

**Regarding to claim 7:** As claim 6 above, Bruck also discloses the instant messaging content further comprises a message sent from the remote user to a user at the display system.(col.7 lines 28-42).

**Regarding to claim 13, 14:** Bruck discloses the display system of claim 1, wherein the video programming content is provided to the display system by a satellite

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(col. 3 lines 60-63) and a cable television service. (col. 4 lines 33-39)

**Regarding to claim 15 and 16:** The scope of claim 15 and 16 are substantially the same or slightly broader than of claim 1 since it requires every structural element of claim 1. Thus, claim 15, 16 are also anticipated by Bruck for the same reasons provided in the rejection of claim 1.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bruck.

**Regarding to claim 8:** Bruck teaches a communications network having a multiple users (10) each having a display device (14)( see Fig. 1 and 4; col. 3 lines 34-43 and col. 6 lines 21-35); wherein the communications network includes a server (94, 98, 99)(see Fig. 4, col. 6 lines 21-41) storing instant messaging content for display at each display device. Therefore, it would have been obvious to have a server to store instant messaging content for display at each display device, so a viewer could view message at the time he/ or she wants. (see col. 6 lines 51-58), wherein the server may

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be used to aggregate instant messaging content from the multiple users, whereby video programming activity by multiple users can be tracked them at the server.

5. Claims 9,10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruck in view of US patent No.6,757,365 (US'365) to Bogard.

**Regarding to claim 9, 10:** Bruck teaches the display system of claim 5, wherein the instant messaging content are implemented using a communications channel established by an IM server over Internet Provider, but fails to teach the telephone communications line is connected at a telephone device separate from the display system over the communications network between the user at the display system and the remote user, when the telephone communications display element uses the public switched telephone network (PSTN).

Bogard teaches an instant messaging via telephone interfaces to communicate between users (telephone) and IM server (300 and 308 of Fig. 3) by the public switched telephone network (PSTN) or Voice over Internet Protocol (VoIP) (col.5 lines 42-54). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the telephone communications line using the Public Switched Telephone Network (PSTN) as taught by Bogard; in order to establish a complete form of communications network.

**Regarding to claim 12.** Bruck teaches the display system of claim 1, wherein a user at the display system is a subscriber to a ISDN service, but fails to disclose a

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VDSL service provides telephone, video programming and internet access service to the subscriber over the communications network (col.5 lines 55-67).

Bogard teaches a DSL service, a cable modem etc... provide a telephone, video programming and internet access service to the subscriber over the communications network (col.5 lines 55-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to add the DSL service on a telephone communication network as taught by Bogard; in order to modernize the communication link between STB and the Internet Provider.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bruck in view of US Patent no. 7,146,629 (US'629) to Tsukada.

**Regarding to claim 11.** Bruck teaches the display system of claim 5, but fails to disclose the user is assigned one or more security keys.

Tsukada teaches a user at the display system is a subscriber to video programming (col. 9 lines 53-67) for display at the display system(col. 10 lines 40-45), wherein such user is assigned one or more security keys ( as descramble key 1354 of Fig.5, "in the content database register 135 ", col.10 line 63 to col.11 line 2), in order to receive the video programming over the communications network (Fig. 8 describes a receiver terminal), wherein such user may send an attachment to the remote user, the attachment comprising a video data file representing the video programming, and a security key associated with the video programming (col.16 lines 4-11), and wherein video programming represented by the video data file is displayed to the remote user only if the remote user has a security key matching the security key associated with the

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video programming.(col. 16 lines 26-33). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify a subscriber is assigned one or more security keys as taught by Tsukada, in order to protect the video programming content from a hacker or an unauthorized copy and only a remote user has a security key matching the security key associated with to receive the video programming content.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN LUONG whose telephone number is (571) 270-5091. The examiner can normally be reached on Mon.-Thurs., 8:00am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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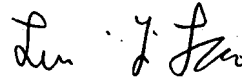
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Alan H. Luong

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9/28/2007

Lun-Yi Lao  
Primary Examiner

A handwritten signature in black ink, appearing to read "Lun Yi Lao", written in a cursive style.